United Nations CERD/C/DEU/Q/19-22

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-sixth session
27 April–15 May 2015
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined nineteenth to twenty-second periodic reports of Germany (CERD/C/DEU/19-22)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 1, 2 and 4)

(a) Definition of racial discrimination in domestic legislation, and the scope of the General Equal Treatment Act and its compliance with article 1, paragraph 1, of the Convention (CERD/C/DEU/CO/18, para. 15; CERD/C/DEU/19-22, paras. 8 and 9).

(b) Information on special measures to secure the adequate advancement of groups and individuals protected under the Convention.

(c) Methodology used to objectively monitor and assess the enjoyment of rights on the basis of the grounds outlined in article, 1, paragraph 1, of the Convention, in the light of the lack of statistical data on the ethnic composition of the population in the State party (CERD/C/DEU/CO/18, para. 14; CERD/C/DEU/19-22, para. 30).

(d) Consideration of racist elements when registering crimes and as an aggravating circumstance in judgements and sentence orders (CERD/C/DEU/CO/18, para. 26; CERD/C/DEU/19-22, paras. 58–59).

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(e) Expressions of racism and xenophobia through demonstrations and in public discourse, dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination, including on the Internet (CERD/C/DEU/CO/18, para. 16; CERD/C/DEU/19-22, paras. 57 and 84).

(f) The lack of an explicit prohibition of racial profiling under existing legislation (CERD/C/DEU/19-22, para. 100).

(g) Mandate and work of the Federal Anti-Discrimination Agency to effectively combat racial discrimination (CERD/C/DEU/19-22, paras. 130–133).

(h) Impact of the National Action Plan against Racism and the National Integration Plan in combatting indirect and structural discrimination, and follow-up measures envisaged (CERD/C/DEU/CO/18, para. 30; CERD/C/DEU/19-22, paras. 23–29).

2. Discrimination against national or ethnic minorities (arts. 2–7)

(a) Racially motivated incidents against German nationals of foreign origin and against members of the Jewish, Muslim and Roma/Sinti communities (CERD/C/DEU/CO/18, para. 18; CERD/C/DEU/19-22, paras. 35, 41 and 75–83).

(b) Discrimination against members of Sinti and Roma communities, particularly in the fields of education, employment, housing and access to health care, and information on systematic and specific measures adopted to address that situation (CERD/C/DEU/CO/18, para. 21; CERD/C/DEU/19-22, paras. 32 and 33).

(c) Use of minority languages in schools (CERD/C/DEU/CO/18, para. 24; CERD/C/DEU/19-22, paras. 124–126).

3. Discrimination against non-citizens, including migrants, refugees and asylum seekers (arts. 2–7)

(a) Racially motivated incidents against asylum seekers, in particular those of African origin (CERD/C/DEU/CO/18, para.18; CERD/C/DEU/19-22, para. 47).

(b) Discrimination against persons with a migration background, including discrimination concerning access to housing, employment and education (CERD/C/DEU/CO/18, paras. 17 and 23; CERD/C/DEU/19-22, paras. 52, 119–123 and 127).

(c) Asylum seekers and their rights to access social benefits, education, housing, the labour market and health care services (CERD/C/DEU/CO/18, para. 22; CERD/C/DEU/19-22, paras. 123 and 134).

(d) Access to education for migrant and asylum-seeking children, including steps taken to reconsider the multitrack school system (CERD/C/DEU/CO/18, paras. 22 and 23; CERD/C/DEU/19-22, paras. 119–123).

4. Access to justice (art. 6)

Compensation to victims of racially motivated crimes, regardless of their citizenship status (CERD/C/DEU/CO/18, para. 25; CERD/C/DEU/19-22, para. 143).

5. Training, education and other measures to combat prejudice and intolerance (art. 7)

Racial prejudice and stigmatization in the media (CERD/C/DEU/CO/18, para. 27; CERD/C/DEU/19-22, paras. 162–166).